

7 FAM 1700 APPENDIX B

DOMESTIC VIOLENCE: IMPLICATIONS ON INTERNATIONAL PARENTAL CHILD ABDUCTION TO THE UNITED STATES

(CT:CON-438; 01-31-2013)
(Office of Origin: CA/OCS/L)

7 FAM 1710 APPENDIX B INTRODUCTION

(CT:CON-438; 01-31-2013)

This Appendix provides policy guidance about the implications domestic violence has for international parental child abduction to the United States.

7 FAM 1720 APPENDIX B CONSULAR OFFICER ACTION

(CT:CON-438; 01-31-2013)

When consular officers receive a request for assistance from a parent who reports domestic violence, the consular officer should continue to provide all appropriate victim assistance as outlined in 7 FAM 1932.3. In the event a parent seeks repatriation assistance to flee domestic violence and seeks assistance for her/his child, the following should be taken into consideration:

- (1) Identify whether the host country is a U.S. partner under the Hague Abduction Convention. If yes, inform the parent requesting assistance that the United States and the host country are treaty partners and that, if one parent removes the child without the other parent's consent, the parent remaining in the host country can seek relief, including return of the child, under the Hague Abduction Convention by filing a petition in the appropriate U.S. court. If parental kidnapping is a crime in that country, inform the parent requesting assistance that the parent remaining in the host country may file criminal charges by reporting the child's removal to the local police and request that law enforcement request that Interpol issue an appropriate notice (red for parents; yellow for children). Information on Abductions to the United States can be found in the Abductions to the U.S. page on the Consular Affairs Internet site.
- (2) If the host country is not a Convention partner and parental kidnapping is a crime in that country, inform the parent requesting assistance that the

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parent remaining in the host country may file criminal charges by reporting the child's removal to the local police and request that law enforcement request that Interpol issue an appropriate notice (red for parents; yellow for children). Check whether the country is an Interpol member country.

7 FAM 1730 APPENDIX B LEGAL ASSISTANCE

(CT:CON-438; 01-31-2013)

- a. The parent requesting assistance should consider consulting with local counsel about the potential consequences of leaving the host country with the child(ren).
- b. Posts can provide a list of in-country attorneys (see 7 FAM 990), as well as additional resources addressing issues such as physical safety and access to social services.
- c. For information about legal representation in the United States, refer the parent to the Office of Children's Issues, Overseas Citizens Services, Bureau of Consular Affairs (CA/OCS/CI) incoming abductions legal aid website, or contact the appropriate Incoming Branch Country Officer (check the Who's Who in CA/OCS/CI for a full-fee attorney list).

7 FAM 1740 APPENDIX B EXPLAINING THE ROLE OF CA/OCS

(CT:CON-438; 01-31-2013)

- a. When CA/OCS/CI receives requests for information on international parental child abduction (IPCA) to the United States from parents in non-Hague Convention countries, the Incoming Branch provides general information and resources to left-behind parents (LBPs) about IPCA, civil and criminal options in the United States, mediation programs, location methods, and attorneys in the United States.
- b. Posts can inform the parent requesting assistance that the parent remaining in the host country may be entitled to information on the child such as passport issuance and location information as well as CA/OCS/CI contact information to make an international parental child abduction file, as long as post has no reason to believe the child, or anyone else would be harmed as a result of the disclosure,. If posts have questions about what is appropriate for release, please contact CA/OCS/L (ASK-OCS-L@state.gov) for guidance. (See 7 FAM 1719.3 and 7 FAM 1719.4.)
- c. If post receives requests from a left-behind parent after a child has been removed to the United States, please consult CA/OCS/CI's incoming branch and the Office of American Citizen Services and Crisis Management, Overseas

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Citizens Services, Bureau of Consular Affairs (CA/OCS/ACS)'s country officers for your country for assistance. (See 7 FAM 160 and 7 FAM 180.)

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